SHARTSIS FRIESE LLP
ZESARA C. CHAN (Bar #136302)
TRACY A. DONSKY (Bar #197114)
One Maritime Plaza, 18th Floor
San Francisco, California 94111-3598
Telephone: (415) 421-6500
Facsimile: (415) 421-2922

Attorneys for Defendants
MARTINDALE-HUBBELL AND
LEXIS/NEXIS, divisions of
REED ELSEVIER, INC.

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3598

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXIS INC. and DOES 1 through 200 inclusive, Defendants.	No. C 05 3515 MHP **DECLARATION OF FERNANDO MARINEZ IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER THE ACTION** Date: October 31, 2005 Time: 2:00 p.m. Courtroom: 15 Judge: Honorable Marilyn H. Patel Complaint Filed: July 29, 2005

I, FERNANDO MARINEZ, declare.

1. Since 2003, I have been and currently am the Manager of Information Services at Shartsis Friese LLP ("SF Law"). I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto under oath.

2. I have been trained in research through the internet and other resources. Prior to my employment at SF Law, I was the Manager of Information Services at Lehman Brothers. Among other things, I have substantial experience in research and research techniques on the internet, and through other resources, for information from governmental and regulatory agencies, including

Dockets.Justia.com

such research.

3. On August 18, 2005, I searched the website for records from the Corporation Division of the Oregon Secretary of State. My search revealed that Inherent.com, Inc. is a company registered under the laws of the State of Oregon with its principal place of business listed at 2140 SW Jefferson Street, Suite 200, Portland, Oregon. The President and Secretary of Inherent.com, Inc. is listed as Debra Kamys. A true and correct copy of the information I collected on Inherent.com, Inc. is attached hereto as Exhibit A.

4. On August 22, 2005, I searched the website for records maintained by the California Secretary of State. My search revealed that there was no record that any business by the name "Inherent.com" or "Inherent, Inc." has been registered with the California Secretary of State as a foreign corporation or has registered to do business in California. A true and correct copy of the information I collected from the website for California Secretary of State records is attached hereto as Exhibit B. My research revealed that the listing for "Inherent Solutions, Inc." refers to a company located at 941 Fourth Street in Miami Beach, Florida.

5. On August 31, 2005, I searched the Inherent, Inc. website at www.inherent.com. Under the subject "Contact Us" on the Inherent, Inc. website and on other pages of the website, Inherent, Inc.'s address is listed as 2140 SW Jefferson Street, Portland, Oregon. Under the subject "About ICI" (attached hereto), the website states that Inherent, Inc. is "[b]ased in Portland, OR" and "[i]n 1996, Inherent, Inc. and Martindale-Hubbell entered into a strategic marketing agreement to promote and develop Web sites for law firms worldwide. As Martindale-Hubbell's exclusive Web partner, Inherent, Inc. developed Web sites for firms of many sizes." A true and correct copy of certain page views from the Inherent, Inc. website printed on August 31, 2005, is attached hereto as Exhibit C.

6. On August 31, 2005, I searched for a listing of "Inherent" in California on the website http://yellowpages.superpages.com which contains information from local and national "Yellow Pages" listings for businesses and individuals. There was no listing for Inherent, Inc. or Inherent.com in California from such website. A true and correct copy of my research result is attached hereto as Exhibit D. On August 31, 2005, I also called the local directory assistance

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3598

services also known as "411" to find a telephone listing for "Inherent" in San Francisco, and was informed that there was no listing for any business with that name.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 6, 2005.

FERNANDO MARINEZ

ZCC\7002\001\1318536.01

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3598